

**TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 504**

Tuesday, February 15, 2022, 1:30 p.m.
Tulsa County Headquarters
218 West 6th Street, First Floor Conference Room, Room 132
Tulsa, Oklahoma

MEMBERS PRESENT

Charney, Chair
Hutchinson, V. Chair
Dunkerley
Hicks
Tisdale

MEMBERS ABSENT

STAFF PRESENT

S. Miller
Jones
S. Kelvington

OTHERS

K. Edenborough,
County Inspections

The notice and agenda of said meeting were posted at the County Clerk’s office, County Administration Building, 9th of February 2022 at 4:13 p.m., as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Charney called the meeting to order at 1:30 p.m.

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Ms. Jones read the rules and procedures for the Board of Adjustment Public Hearing.

Minutes

On **MOTION** of **TISDALE**, the Board voted 5-0-0 (Charney, Dunkerley, Hicks, Hutchinson, Tisdale “aye”; no “nays”; no “abstains”; none “absent”) to **APPROVE** the Minutes of December 21, 2021 (No. 501).

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-1 (Charney, Dunkerley, Hicks, Hutchinson “aye”; no “nays”; Tisdale “abstains”; none “absent”) to **APPROVE** the Minutes of January 18, 2022 (No. 502).

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UNFINISHED BUSINESS

2945 - Ryan Strode

Action Requested: Modification to a previously approved site plan (CBOA-2888) for a church (Use Unit 5) in an AG district (Section 310 Table 1).

LOCATION: 12100 East 171st Street South

Presentation:

Ryan Strode, 4633 S Evanston Ave, said they have an existing building on the property that they would like to add a pavilion to. It will be new slab construction and it will be an open side metal building. It will be used as an outdoor space and covered area for the playground area of the church. It will not have any plumbing, possible electric but no other utilities.

Interested Parties:

No interested parties.

Comments and Questions:

All members are in support.

Board Action:

On **MOTION** of **Charney**, the Board voted 5-1-1 (Charney, Dunkerley, Hicks, Hutchinson, Tisdale "aye"; no "nays"; "aye" "abstentions"; none "absent") to **APPROVE** the request for a **Modification** to a previously approved site plan (CBOA-2888) for a church (Use Unit 5) in an AG district (Section 310 Table 1) per the conceptual site plans 3.17-3.18 of the agenda packet. The Board finds the proposed modification is compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements, per code, for the following property:

LOT 1 BLOCK 1, BLUEFLAME47 ADDITION, Tulsa County, Oklahoma

2946 - Jennifer Jefferson

Action Requested: **Special Exception** to allow Use Unit 5, Community Services and Similar Uses, to allow a Youth Day Camp in an AG district (Section 1205); and a **Variance** from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 14603 South Lewis Avenue

Presentation:

Jennifer Jefferson, 14775 S Lewis Ave, said she is the owner and director of 8 Acres Camp and is going into their 21st year of operations this summer and they are licensed by DHS to operate as an out of school time program for elementary aged children. They offer activities such fishing, outdoor play, outdoor games, STEM and art classes. She is seeking approval for of a special exception for the use of an existing barn on the north side of their property as an area for pickup and drop off and as an additional area for children who attend her day camps held on her property. Ms. Jefferson stated that using this barn as drop off and pick up will reduce their driveway from approximately 833ft from Lewis Avenue to approximately 268ft and it allows for a larger parking area for the parents. Use of this barn will also connect her two properties.

Ms. Jefferson said she heard some concerns from neighbors, and she would like to address those. One concern was the dust from the gravel drives. Ms. Jefferson is willing to use asphalt millings on the gravel to help reduce the dust. Another concern that has been brought up is increased traffic. Ms. Jefferson stated using this additional property will not increase the traffic and the camp is only opened 10-11 weeks during the summer, one week at spring break and six days over Christmas break and two to three days over fall break. She is not opened year-round, and she has no intention of opening year-round. Ms. Jefferson would also like to address the concern about the buses on the property. She stated that she has two school buses they use that takes the children to field trips. They are currently parked alongside their driveway, and she is going to move them to the back of their original property, so they are not visible from the road. One last concern Ms. Jefferson would like to address is the concern from neighbors about a decrease in their property values. Ms. Jefferson says they have been in business for over twenty years and her property is kept up and maintained and that she uses a lawn service for this purpose.

Mr. Hutchinson asked if the applicant lives on site. Ms. Jefferson confirms that she does and that her daughter is in the process of remodeling the home on her property that she owns that is connected to the property.

Mr. Hicks asked for clarification that she is using an existing barn on the property and that it is not a new build. Ms. Jefferson confirms.

Mr. Tisdale asked for clarification of use. Ms. Jefferson replied that it is for an additional indoor play space for kids when they need to be under cover, such as on rainy days, and to be used for dropping off and picking up.

Mr. Hicks asked if she has a restroom or any other plumbing facilities in the barn. Ms. Jefferson replied they do not. And adds that they are licensed by DHS as a day camp and their licensing does not require plumbing, but their other buildings do. They have portable bathrooms and hand washing stations that are on site during the camps and are serviced weekly by the company they rent them from. At this time, they do not intend to place plumbing in the barn listed in this application.

Mr. Charney asked Ms. Jefferson if the board would like to base the approval with a mention of limited times if she would be ok with that. Ms. Jefferson agrees and adds that she is a schoolteacher, and she does not intend to expand the operations to year-round.

Mr. Charney also asked if she is hoping to expand the number of children that attend the camp. Ms. Jefferson replied that she is just looking to expand the facilities to better serve the children that attend the camp.

Interested Parties:

Melissa Robertson, 4118 W. 105th St S, said they own the property to the north, and they co-purchased with the neighbors the fence to the south. In purchasing this property, they were hoping to build their dream home in an agriculture area that it would be a quiet and not have any issues without other businesses. She stated that there is a business across the street, but they have spent many weekends on their property and the noise and traffic are not an issue. Mrs. Robertson stated they did not receive a notice, but they were not planning to build next to a camp. They are in strong opposition of the special exception use of this land, and they are very concerned about the variance to not hard-pave the parking lot due to the dust, especially when the south winds are blowing. She does not want to see cars traveling on the two-lane road and kicking up dust and leaving gravel everywhere.

Mrs. Robertson said she also spoke on behalf of the Johnson family, who are also in opposition of this application for a special exception and variance for the same reasons.

Rebuttal:

Ms. Jefferson would like to say that the Johnsons have been property owners for 14 years and they knew the camp was located on that property. The Johnsons have also held their homeschool group's cookout and they have also used their inflatables and have enjoyed the perks of the day camp. Ms. Jefferson said the buses will not be stored where they will be visible from the property and once again stated that she will add the asphalt millings to the driveway to help reduce the dust. The portable bathrooms are not visible from the road.

Mr. Dunkerley asked for clarification about the driveway becoming shorter. Ms. Jefferson says yes that it would reduce the length of the driveway from 838 ft to 268 ft.

Mr. Hicks wanted to know why she is seeking a variance on the driveway. Ms. Jefferson originally was not aware when she filed the application that a concern was the gravel driveway, but that she is now willing to add the asphalt millings to the gravel to reduce the dust. She does not want to be an unwanted neighbor and all the neighbors, except the Robertsons, have had their kids, grandkids attend the camp, and they have all been agreeable neighbors. Ms. Jefferson has previously met with the Johnsons and talked about her plans to buy the yellow barn and they never expressed any concerns with her. She said that today was the first time she had heard about their concerns.

Board Comments:

Mr. Hicks stated that the current operations continue even if today's request is denied. He tends to support.

Mr. Hutchinson is agreeable with the special exception with conditions.

Board Action:

On **MOTION** of **Hutchinson**, the Board voted 5-0-0 (Charney, Dunkerley, Hicks, Hutchinson, Tisdale “aye”; no “nays”; “abstentions”; none “absent”) to **APPROVE** a Special Exception to allow Use Unit 5, Community Services and Similar Uses, to allow a Youth Day Camp in an AG district (Section 1205) subject to the following conditions: the camp use will be during the summer and during school breaks when the children are out of school; the hours of operation will be 7:00 a.m. to 6:00 p.m. with one evening allowed during the summer for a school event; the Board finds that the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; **APPROVE** a Variance from the all-weather parking surface requirement (Section 1340.D) subject to the following condition: that they must add the asphalt millings to the driveway to reduce the dust. The Board finds the hardship to be that the camp is operated only during 14 weeks of the year. The Board finds by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, for the following property:

PRT NW SW BEG 433.84S NWC NW SW TH S415 E525 N415 W525 POB LESS W50 & LESS N207.5 THEROF SEC 17 17 13 2.26 AC, Tulsa County, Oklahoma

NEW APPLICATIONS

2947 - Travis Dunn

Action Requested:

Variance of the minimum land area per dwelling unit in the AG district to permit two dwelling units on one lot of record in an AG district (Section 330); and a Variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 16532 S 43rd E Ave

Presentation:

Applicant not present.

Interested Parties:

No interested parties.

Comments and Questions:

None.

Board Action:

On **MOTION** of **Hicks**, the Board voted 5-0-0 (Charney, Dunkerley, Hicks, Hutchinson, Tisdale "aye"; no "nays", "aye" "abstentions"; none "absent") to **CONTINUE** the request for a Variance of the minimum land area per dwelling unit in the AG district to permit two dwelling units on one lot of record in an AG district (Section 330); and a Variance from the all-weather parking surface requirement (Section 1340.D) to the 3/15/2022 meeting for the following property:

S158.75 E560 SW SW NE SEC 28 17 13 2.04ACS, Tulsa County, Oklahoma

2948 - Jasmine Williams

Action Requested: Modification of a previously approved site plan (CBOA-2844) to increase the grow area of a Horticultural Nursery in an AG-R district (Section 310, Table 1). **LOCATION:** 20813 W Coyote Trail S

Presentation:

Jasmine Williams, 20813 W Coyote Trail S, says they are seeking a modification to a previously approved site plan to allow for an outdoor grow to help with costs of operations while the indoor grow building is being built. The inside of the building was not ready for operations as they planned, but due to the costs of that and delays they are seeking the approval for the outdoor grow area. They are currently not residing on the property, but once operations have started they will have someone on property and the additional security that is required. This will only be a cultivation facility at this time and not a dispensary.

Ms. Williams father has spoken to neighbors to the north of the property. She has not visited with any neighbors and has not heard any concerns.

Interested Parties:

No interested parties.

Comments and Questions:

Mr. Hutchinson stated that normally he is against, but this is in a very rural area and he is in support of the request. He would like to limit the number of hoop houses and allow one building and choose or limit the additional square footage of grow area.

Mr. Charney is in support of the request with the conditions that are required by law.

Board Action:

On **MOTION** of **Charney**, the Board voted 5-0-0 (Charney, Dunkerley, Hicks, Hutchinson, Tisdale "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a **Modification** of a previously approved site plan (CBOA-2844) to increase the grow area of a Horticultural Nursery in an AG-R district (Section 310, Table 1) per the conceptual plan 6.16 of the agenda packet and with the following exception: that grow area #1 is permitted and one additional area of 157x175 sq. ft. being permitted on the property behind the phase one, as depicted. The Board finds that the proposed modification is compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements, per code, for the following property:

**PRT NW NW BEG 548.96S & 137.97SELY & 221.17SE NWC NW NW THE NE404.52
SE165.24 SW404.52 NW165.24 POB SEC 26 19 10 1.535ACS, Tulsa County, Oklahoma**

2949 - Matt Blair

Action Requested: Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207). **LOCATION:** West of the southwest corner of West 51st Street South & South 65th West Avenue

Presentation:

Matt Blair, 7209 West 56th Street, said he purchased the land and had to purchase an additional utility easement to allow for water, gas and electric. When they spoke to the City of Tulsa, they denied their access. The applicant had to purchase an additional panhandle of land, however that land is not 30ft, it is less than 50ft total, which is why they are seeking the variance.

Interested Parties:

No interested parties.

Comments and Questions:

None.

Board Action:

On **MOTION** of **Hutchinson**, the Board voted 5-0-0 (Charney, Dunkerley, Hicks, Hutchinson, Tisdale “aye”; no “nays”; no “abstentions”; none “absent”) to **APPROVE** a Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet in the AG District (Section 207) per the conceptual plan 7.16 of the agenda packet and finding the hardship to be the unique configuration of the land does not have any existing frontage on a public street. The Board finds that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

BEG 277.64E NWC SE BE TH S659.30 E1043.52 TO SECR N/2 NE TH N660.04 TO NEC N/2 SE NE TH W1043.04 POB SEC 31 19 12 15.81ACS, Tulsa County, Oklahoma

2950 - Matt Robbins

Action Requested: Variance to allow a detached accessory building to be located in the side yard in an RE district. (Section 420.2.A-2)

LOCATION: 8468 North 67th East Avenue

Presentation:

Matt Robbins, 8468 North 67th East Avenue, said he owns the property, and stated the property has a shallow yard and he would like to add a 24x20 building in his side yard which will allow him to plant a garden and have proper drainage in his backyard. The building will be located on the same side of the driveway as his house. The building materials for construction will match the home and the roof matches the pitch of the home. It will be used for additional storage, and vehicles.

He has spoken to two neighbors and they support it and another suggested concrete. He has not received any opposition.

Interested Parties:

No interested parties.

Comments and Questions:

None.

Board Action:

On **MOTION of Hicks**, the Board voted 5-0-0 (Charney, Dunkerley, Hicks, Hutchinson, Tisdale "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the request for a Variance to allow a detached accessory building to be located in the side yard in an RE district (Section 420.2.A-2) per the conceptual plan 8.17 of the agenda packet, with the condition that the materials used match the architectural style of the existing home, finding the shallow lot which forces the placement to the side yard and due to the configuration of the lot to be a hardship. The Board finds that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 10 BLK 6, CROSSING AT 86TH STREET PHASE I, Tulsa County, Oklahoma

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OTHER BUSINESS

None.

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NEW BUSINESS

None.

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BOARD COMMENTS

None.

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There being no further business, the meeting adjourned at 2:41 p.m.

Date approved: 3-15-2022



Chair